

MODULE: MANDATORY UTILITY STANDARD	3
LESSON: MANDATORY UTILITY STANDARDS	4
LESSON: APPROPRIATE MANDATORY UTILITY STANDARD FOR SELF-EMPLOYED HOUSEHOLDS	7
<i>EXERCISE: ONE</i>	8
MODULE: EXPEDITED PROCESSING	9
LESSON: EXPEDITED CRITERIA	10
<i>EXERCISE: ONE</i>	12
LESSON: SCREENING TO DETERMINE ENTITLEMENT TO EXPEDITED SERVICE ..	14
LESSON: POSTPONING INTERVIEW/VERIFICATIONS	16
<i>EXERCISE: ONE</i>	17
LESSON: EXPEDITED PROCESSING TIMEFRAMES	18
<i>EXERCISE: ONE</i>	22
<i>EXERCISE: TWO</i>	23
MODULE: REPORTING REQUIREMENTS	25
LESSON: MANDATORY REPORTABLE CHANGES	26
<i>EXERCISE: ONE</i>	30
<i>EXERCISE: TWO</i>	31
<i>EXERCISE: THREE</i>	32
MODULE: CLAIMS	33
LESSON: CLAIM ESTABLISHMENT AND DOCUMENTING DATE AND SOURCE OF DISCOVERY	34
<i>EXERCISE: ONE</i>	39
<i>EXERCISE: TWO</i>	40
<i>EXERCISE: THREE</i>	41
LESSON: NOTIFICATION OF HOUSEHOLD AND COLLECTION OF CLAIM AMOUNT	42
<i>EXERCISE: ONE</i>	50
MODULE: INTENTIONAL PROGRAM VIOLATION	51
LESSON: INTENTIONAL PROGRAM VIOLATION	52
<i>EXERCISE: ONE</i>	54
LESSON: COUNTY OFFICE ROLE AND RESPONSIBILITY	56
LESSON: STATE OFFICE ROLE AND RESPONSIBILITY	66
LESSON: COUNTY ACTION UPON RECEIPT OF A SIGNED DECISION	68
LESSON: DISQUALIFICATION PENALTY TIMEFRAMES	70
MODULE: NICE-TO-KNOW	71
LESSON: ZERO BENEFIT VS EXCESS INCOME	72



Notes

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

MODULE: MANDATORY UTILITY STANDARD



Objective

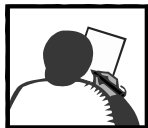
Provide Eligibility Workers with the information necessary to determine the appropriate mandatory utility standard to use when determining household benefits.



Module Time

APPROXIMATE TIME:

.5 Hours



Notes

LESSON: Mandatory Utility Standards



Purpose

Description of the four mandatory utility standards.



eManual References

Shelter Costs

430-05-55-40



Policy

Utility Expenses

- Households cannot claim **actual** utility expenses
- Households that are billed on the basis of individual usage or are charged a flat rate for utility costs separately from their rent are entitled to the appropriate standard.
- Expenses do not have to be in the household's name.
- Expenses do not have to be paid, only incurred.
- If a household receives a HUD or FSA utility subsidy, the actual current utility bills must exceed the utility subsidy before the household is entitled to the appropriate standard.
- If a non-household or ineligible household member **shares** utility costs with eligible household members, the eligible household members are entitled to the appropriate standard.
- If two or more separate households **live together and share** utility costs, each household is entitled to the appropriate standard. Utility standards are **not** prorated.
- A household is **not** entitled to any utility expenses for an unoccupied home.

Standard Utility Allowance (HL SU):

Households responsible for heating/cooling costs or in receipt of LIHEAP are entitled to the full Standard Utility Allowance (HL SU on the EXSA screen) of \$_____, which includes all utility expenses.

This includes households that:

- Are in receipt of tribal LIHEAP
- Are in receipt of a LIHEAP renter/heat paid benefit
- Are planning to apply or have applied for LIHEAP or LIHEAP renter/heat paid benefit.
- Received LIHEAP in the last heating season and their circumstances have not changed
- Have central utility meters and are charged only for excess heating or cooling costs
- Are charged only for excess heating or cooling costs

Limited Utility Allowance (LU SA):

Households not entitled to the HL SU that incur at least two of the following utility expenses are entitled to the Limited Utility Allowance (LU SA on the EXSA screen) of \$_____:

- Water
- Sewer
- Garbage
- Electricity
- Telephone

Minimum Utility Standard (MU):

Households not entitled to the HL SU or LU SA that incur at least one of the following utility expenses are entitled to the Minimum Utility Standard (MU on the EXSA screen) of \$_____.

- Water
- Sewer
- Garbage
- Electricity

Telephone Standard (TL):

Households not entitled to the HL SU, the LU SA, or MU that incur telephone expenses only are entitled to the Telephone Standard (TL on the EXSA screen) of \$_____.



Notes

LESSON: Appropriate Mandatory Utility Standard for Self-Employed Households



Purpose

To determine the allowable utility expense for self –employed households.



Shelter Costs

eManual References

430-05-55-40



Policy

Appropriate Mandatory Utility Standard for Self- Employed Households

If a self-employed household's home is on property connected to property used for self-employment, the worker must determine if the shelter costs and self-employment costs can be separately identified.

- If utilities are measured and billed separately the household is entitled to the appropriate mandatory utility allowance for its residence and to the separately billed self-employment costs as a cost of doing business.
- If utilities are measured and billed on one meter the household is entitled to the appropriate mandatory utility allowance and is not entitled to an exclusion of utilities as a cost of doing business.

EXERCISE: ONE



In the following examples, what mandatory utility standard is used?

1. Household incurs heating costs
2. Household incurs water costs
3. Household incurs electricity and telephone costs
4. Household incurs cooling costs
5. Two separate food stamp household shares utility expenses consisting of heat, electricity and telephone
6. Household incurs water, sewer and garbage costs
7. Household is in receipt of LIHEAP benefits
8. Household incurs garbage costs
9. Household pays \$10.00 during the months of June, July and August for air conditioning costs
10. Household receives renter/heat paid benefit from LIHEAP
11. Household incurs telephone costs.
12. Household contains an ineligible student and shares utility expenses of electricity and telephone
13. Self-employed household with one meter that incurs heat, electricity, water, sewer, garbage and telephone expenses.
14. Household incurs heat, electricity, water, sewer and garbage expenses for an unoccupied home.

MODULE: EXPEDITED PROCESSING



Objective

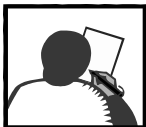
Provide Eligibility Workers with the information necessary to determine eligibility for expedited services within the required processing timeframes.



APPROXIMATE TIME

Module Time

1.5 Hours



Notes

LESSON: Expedited Criteria



Purpose

Explain the criteria used to determine if a household is entitled to expedited service.



eManual References

Expedited Processing Standards

430-05-20-50-15



Policy

Households are entitled to expedited service if they meet any of the following:

1. Households with less than \$___ in countable gross monthly income when their countable liquid assets do not exceed \$___.
2. Migrant or seasonal workers who are destitute and countable liquid assets do not exceed \$___.
3. Households who have combined __ _____ gross monthly income and countable liquid assets that are less than the household's monthly rent or mortgage and the appropriate mandatory utility standard.

Households applying for Food Stamps and TANF must be screened for expedited service. Action on the Food Stamp portion of the application must not be delayed nor the application denied because the TANF determination has not been made. If the TANF application is pending (applicant not yet interviewed or verifications needed for TANF) the TANF grant cannot be anticipated in determining entitlement to expedited service.



Notes

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

EXERCISE: ONE



In the following examples, is the household entitled to expedited services?:

1. A household applies on January 27, 2004 and reports \$152.00 in countable gross earned income and no countable liquid assets. ____ Yes ____ No
2. A household applies on January 27, 2004, states they are a migrant and have countable liquid assets in excess of \$100.00. ____ Yes ____ No
3. A household applies on February 5, 2004, reports \$500.00 in countable gross income, \$200 in countable liquid assets, rent of \$350.00 and they are responsible for heating costs. ____ Yes ____ No
4. A household applies on February 5, 2004, reports \$450.00 in countable gross income, no countable liquid assets, rent of \$300.00, and they are responsible for electricity and telephone costs. ____ Yes ____ No
5. A household applies on January 26, 2004, reports no countable income or countable liquid assets and no shelter costs. ____ Yes ____ No
6. A household applies for food stamps and TANF on February 5, 2004, reports \$200.00 in countable gross income, no countable liquid assets, rent of \$300.00 and they plan to apply for LIHEAP (all utilities are included in the rent). ____ Yes ____ No
7. A household applies for food stamps and TANF on January 29, 2004, reports \$350.00 in countable gross income, no countable liquid assets, rent of \$225.00 and they are responsible for electricity and telephone costs. ____ Yes ____ No

8. A household applies for food stamps and TANF on February 4, 2004 and is interviewed for both programs on February 6, 2004. The household has no countable income or countable liquid assets, they provide necessary verifications for both programs and are eligible for a TANF grant. Do we anticipate the TANF grant when determining entitlement to expedited service? ____ Yes ____No
9. A household applies for food stamps and TANF on February 3, 2004, reports no countable gross income, no countable liquid assets, rent of \$105.00 and they are responsible for heat and electricity costs. The household is eligible for a TANF grant of \$400.00. ____ Yes ____No



This image shows a single page from a notebook. The page has rounded corners and is filled with horizontal ruling lines. In the top-left corner, there is a small square icon containing a silhouette of a person's head and shoulders, looking at a document. To the right of this icon, the word "Notes" is printed in a large, bold, black font. The rest of the page is left blank for writing.

LESSON: Screening to determine entitlement to expedited service



Purpose

Explain the screening process for all food stamp applications.



eManual References

Expedited Processing Standards

430-05-20-50-15



Policy

- Part 2 of the Application is used to complete the screening.
- All applications must be screened to determine entitlement to expedited service.
- If the household needs assistance in completing the application, the county must provide it.
- The household cannot waive its right to expedited service.
- Verification of identity of the applicant must be obtained.
- An EBT card must be issued if the applicant does not already have one.
- If the household already has an EBT card, the worker must ensure that the EBT account is active.

If the application is mailed in, faxed in or the applicant does not stay for the screening and the county **has** verification of identity:

- The county must attempt to contact the household to complete the screening process, and
- Schedule the interview within the expedited time frames by sending F017 –FS Application Rec'd - Interview Scheduled.

If the application is mailed in, faxed in or the applicant does not stay for the screening, and the county **does not** have verification of identity:

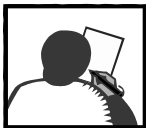
- The county must attempt to contact the household to complete the screening process, and
- Schedule the interview as soon as possible by sending the F017 – FS Application Rec'd – Interview Scheduled.

If pre-screening identifies a household as not entitled to expedited service and at a later date it is discovered the household is entitled to expedited service, the 7-day time frame starts with the date of discovery.

There is no limit to the number of times a household can be certified under expedited processing.

Exception:

Before a household is entitled to expedited services when verifications were postponed, the household must have completed the verification or have since been certified under 30-day processing standards.



Notes

LESSON: Postponing Interview/Verifications



Purpose

Explain the changes in policy and the new regulatory requirements relating to postponing the interview and verifications.



eManual References

Special Procedures for Expediting Services

430-05-20-50-15-05



Policy

- Verification of identity cannot be postponed.
- In order to postpone the interview and/or verifications, the county must have verification of identity of the applicant.
- If the county has verification of identity of the applicant, the interview and all other verifications must be postponed in order to meet the expedited time frames.

If the applicant or any household member has a social security number, but the applicant does not have it with them or cannot remember the number, **enter the application date in the SS5 field on SSDO**. This is needed so the individual(s) can be included in the case. Verification of an SSN **only** can be postponed for one full month.

- **If it is determined at a later date that benefits were incorrectly issued, a claim is not established unless the household failed to report.**

Exception:

A claim must be established for agency errors.

EXERCISE: ONE



Is a food stamp claim completed in the initial month in the following situations?

1. Household reported no income and at a later date it is discovered that the household had earned income at the time of application. ____ Yes ____ No
2. Household reported earned income, but actual amount could not be verified within the expedited time frames. The best information available from the household and documented in the casefile is used. When verification is received the amount used in determining eligibility is different than the amount verified. ____ Yes ____ No
3. Household reported a member was laid-off, but worker was unable to verify the lay-off with the employer within the expedited time frames. When verification is received, it is determined the individual quit a job without good cause and is a mandatory work registrant. ____ Yes ____ No
4. Household reported they were a student at an institution of higher education, but did not know how many credit hours they were attending. The worker and client were not able to verify half or full-time status within the expedited time frames. When verification is received, it is determined that the individual is a full-time student and does not meet any of the student eligibility criteria. ____ Yes ____ No
5. An individual applies, is an ABAWD, had already received the three non-work months, and reports a job layoff and that the job had involved at least 80 hours a month. The worker and client are not able to verify this employment within the expedited time frames. When verification is received, it shows the individual was only hired to work 40 hours as that was all the work the employer had. ____ Yes ____ No
6. An individual applies, reports a felony drug conviction and provides the court documents. The documents are sent to the State Office for a determination. The case must be processed pending the determination on the felony drug conviction. When the worker receives the determination from the State Office, the individual is disqualified. ____ Yes ____ No

LESSON: Expedited Processing Timeframes



Purpose

Explain the appropriate processing standards for expedited services.



eManual References

Opportunity to Participate

430-05-20-05

Application

430-05-20-15

Timeframes

430-05-20-50-10

Length of Certification Periods

430-05-20-50-15-10



Policy

- Part 2 of the Application is considered a complete application for expedited service if it contains:
 1. The applicant's name,
 2. Address,
 3. Household composition,
 4. Income,
 5. Assets, and
 6. The signature of the applicant, a responsible household member or the authorized representative.

If the shelter/utility cost questions are not completed, it is still considered a complete application and these expenses are not allowed when determining expedited benefits.

For households entitled to expedited services, benefits must be made available to the household no later than the 7th calendar day following the date of application. Day one is the day following the date of application.

If verification of identity of the applicant is not provided at the time of application, benefits must be made available to the household no later than the 6th calendar day following the receipt of verification of identity. Day one is the date of receipt of verification of identity.

If the screening indicates the applicant is entitled to expedited services, verification of identity of the applicant must be obtained and the applicant must be issued an EBT card if they do not already have one.

- Part 2 of the Application must be registered
- F017 – FS Application Received – Interview Scheduled must be sent if the applicant is not interviewed at the time of request.

If the applicant keeps the scheduled interview:

1. The application must be processed postponing verification(s) if necessary and,
2. The notice of eligibility must be sent.

If the applicant does not keep the scheduled interview:

1. The application must be processed postponing the interview and verification(s) if necessary and,
2. The notice of eligibility must be sent.

If the application is mailed in, faxed in or the applicant does not stay for the screening, verification of identity is already on file and the household does not have an EBT card the following must occur:

- Part 2 of the Application must be registered
- F017 – FS Application Received- Interview Scheduled must be sent if the applicant is not interviewed at the time of request.

If the household keeps the scheduled interview the following must occur:

- The application must be processed postponing verification(s) if necessary within the 7 day timeframe, and
- The notice of eligibility must be sent.
- Issue an EBT card.

If the household fails to keep the scheduled interview the following must occur:

1. The application must be processed postponing the interview and verifications, within the 7 day timeframe, and
2. The notice of eligibility must be sent, and
3. Send F012 - EBT Client Training and Schedule Notice - allowing two days mailing time and allowing the household at least 24 hours within the timeframes to obtain an EBT card.

PLEASE NOTE: Items 1 through 3 **MUST** all be completed within 7-days after the date of application (taking into account holidays, weekends, and the fact that a notice generated on a Friday is not mailed until the next working day).

If the application is mailed in, faxed in or the applicant does not stay for the screening, verification of identity is already on file and the household has an EBT card, the following must occur:

1. The application must be processed postponing the interview and verification within the 7 day timeframe, and
2. The notice of eligibility must be sent, and
3. The worker must ensure the EBT account is activated.

If verification **other than SSN** was postponed and the household applied on or before the 15th of the month, the household must be certified for the month of application only.

When certified only for the month of application, the worker must send notices F101 – Expedited FS Application Waived Interview/Verification, F802 – Food Stamp One-or-Two-Month Certification/Expiration, and provide the household with SFN 407 – Recertification for Food Stamps.

If the interview or verification **other than SSN** was postponed and the household applied on the 16th of the month or later, the household must be certified for the month of application and the following month, Benefits for the second month **must not be issued** until the postponed interview and all postponed verifications have been provided.

Exception:

If expenses were postponed and not provided, the second benefit month is issued without allowing unverified expenses.

When certified for the month of application and the following month, the worker must send notices F101-Expedited FS Waived Interview/Verification and F802-FS One-or-Two-Month Certification/Expiration. If the application is processed after the 25th day of the application month, the worker must also provide the household with form SFN 407 – Recertification for Food Stamps.



Notes

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

EXERCISE: ONE



1. If a household is entitled to expedited service, what verification item(s) cannot be postponed? _____
_____.
2. What verification item(s) can be postponed? _____.
3. When does the 7-day count start in the following examples?:
 - The worker has completed application and verification of identity. _____
 - The household mails in a completed application and verification of identity is not on file. _____
 - The household mails in an application, it is unsigned and verification of identity is on file. _____

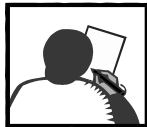
EXERCISE: TWO



A household applies for food stamps on January 16, 2004 by completing Part 2 of the application, is screened for and entitled to expedited service and is given an EBT card. Notice F017 -FS Application Received – Interview Scheduled is sent advising the household the interview is scheduled for January 20, 2004. The household fails to keep the scheduled interview and Notice F018 FS -Notice of Missed Interview is sent on January 20, 2004 and the worker processes the case postponing the interview and verifications. Notices F101 – Expedited FS Application Waived Interview/Verification and F802 – 1 or 2 Month Certification Expiration are sent on January 21, 2004 and the household is assigned a two-month certification period (January and February 2004).

1. Must the household provide the postponed verification(s), provide the remainder of the application and be interviewed before February 2004 benefits can be issued? ☐ Yes ☐ No
2. If the household fails to provide the postponed verification(s), and complete the interview, are February 2004 benefits issued? ☐ Yes ☐ No
3. If the household provides the postponed verification(s), the remainder of the application and is interviewed, what notices(s) are sent to the household? _____.
4. Are you required to provide a Recertification Application to this household? ☐ Yes ☐ No
5. How many days does the household have to submit the Recertification Application in order for it to be considered timely? _____.

6. If the household does not provide the postponed verification(s) and complete the interview process, the case will close the end of January 2004. The household reappplies for food stamps on March 3, 2004. Is the household entitled to expedited service for March 2004? ___ Yes ___ No
7. If the answer to question 6 is “yes”, why? _____
8. If the answer to question 6 is “no”, why not?
_____.
9. If the cases closes the end of January 2004 because the household did not complete the interview or provide postponed verifications and does not reapply until October 2004, is the household entitled to expedited service for October 2004? ___ Yes ___ No
10. If the postponed verification is income from the job that no longer exists, is the household still required to provide verification of the income, prior to being eligible for expedited services again? ___ Yes ___ No



Notes

MODULE: REPORTING REQUIREMENTS



Objective

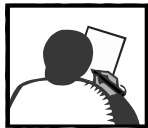
Clarify the mandatory reportable changes and reporting requirements.



Module Time

APPROXIMATE TIME:

.75 Hour



Notes

LESSON: Mandatory Reportable Changes



Purpose

Review and identify what elements of eligibility are considered a mandatory reportable change.



eManual References

Reporting and Processing Changes
Reporting Requirements
Change Report Form

430-05-65
430-05-65-05
430-05-65-10



Policy

Households are required to report **mandatory changes** within 10 days of the date the change becomes known to the household.

Exception:

Households are required to report a new source of income within 10 days of the household receiving their first check. This applies to both earned and unearned.

This policy is new effective with October 2003 for all applications and recertifications. If the household reports by providing their first paycheck, and the check reflects the hourly rate of pay, pay dates, starting date and hours worked, no additional verification is needed. If a paycheck does NOT reflect the hours for a full pay period, the worker can use the client's statement, if it is not questionable. If the paycheck does not contain the required information, the worker must obtain further information before acting on the change.

The previous policy also pertains. If the client calls or indicates on the monthly change report form that they have a new job or a new source of unearned income, the county MUST verify the information before it can be acted upon.

PLEASE TURN TO EXERCISE ONE.

Certified households are responsible to report the following mandatory reportable changes:

- Source of income
- Amount of gross monthly unearned income exceeding \$50.
The amount increased from \$25 to \$50 effective October 2003 for new applications and recertifications.
- Amount of gross monthly earned income of more than \$100.

PLEASE TURN TO EXERCISE TWO.

- Household composition
Examples:
Change in student status from eligible to ineligible and vice versa
Convicted of a Drug felony
Household members moving in or out of the FS household
- Residence and the resulting change in shelter costs
- Vehicle ownership
- Countable assets (cash on hand, stocks, bank accounts, etc.) reaching the appropriate asset limit
- Legal obligation to pay child support and the legally obligated amount
- ABAWD – any change in work hours that bring an individual below 20 hours per week averaged monthly.

PLEASE TURN TO EXERCISE THREE.

Change Report Form

The SFN 378 Change Report Form must be provided to all households. This form is automatically provided to newly certified households and at recertification by the system.

A change report form will automatically be sent each month to food stamp fluctuating income cases, when a 'Y' is placed by the change report form indicator on the CHRS screen.

In combination Vision Medicaid and TECS Food Stamp cases, if the monthly change report indicator is set in Vision, the X442 will not be sent. The automatic mailing of the X442 for fluctuating income cases is linked to the ‘Y’ on the Change Report Screen (CHRS).

The worker must document and act on all reported changes whether or not it affects the benefits.



Notes

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery designed for writing.



Notes

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There are no vertical margin lines, text, or other markings on the page.

EXERCISE: ONE



FS household consists of Mom, Dad and 2 children ages 5 and 9. They were last recertified in October 2003 for November 2003. Dad works for a siding company and is paid bi-weekly. Mom started working for Wal-Mart on December 1, 2003 and is paid bi-weekly. Mom got her first paycheck on Saturday, December 20th for pay period Nov. 30 through Dec. 13th, 2003. Her hourly wage is \$7.00 and she worked 70 hours. Mom brings her pay stub to the county office on December 29th.

1. Did mom meet the reporting requirement for her new job? ____ Yes ____ No
2. If mom states she works 35-40 hours a week, is there sufficient information on the pay stub to meet the verification requirement? ____ Yes ____ No
3. Is the worker required to act on this information in determining the benefit for the month of January? ____ Yes ____ No
4. If the answer to number 3 is NO, why not?

EXERCISE: TWO



Household consists of Mom and Megan, age 4. They were last recertified in October 2003 for November 2003. Mom is not working but receives child support income monthly for Megan. The obligated amount is \$375 each month. In November Mom received a total of \$325 and she reported this on the change report form submitted December 10th. On December 23rd she received one check for \$350. Mom sent a copy of the check to the county office on January 25th. (No signature)

1. Can the worker use the \$350 in determining February benefits? ____ Yes
____ No
2. Is there a client error claim for the month of February? ____ Yes ____ No
3. Did mom fail to report a mandatory reportable change? ____ Yes ____ No
4. If the answer to #3 is No, why not? _____

EXERCISE: THREE



1. Joe is a full time student at Bismarck State College and is an open Food Stamp case. He worked at a fast food restaurant 20 – 25 hrs a week. In October his hours were cut and he now works 20 hrs per week **averaged monthly**. Is this a mandatory reportable change? ____ Yes ____ No
Does Joe continue to meet the criteria as an eligible student? ____ Yes ____ No.
2. FS case consists of mom, dad and son, Andrew. On November 27th their 20-year-old son, John, came home to live. He cooks and eats his meals separate from the family. Is this a mandatory reportable change? ____ Yes ____ No
3. If the answer to #2 is Yes, why? _____.
4. On February 10, 2004, John was convicted of a drug related felony. Is this a mandatory reportable change? ____ Yes ____ No
5. FS case consists of a single person Tim. December 23rd, the court revised the court order increasing the obligated amount of child support to be paid by Tim to \$400 effective January 1, 2004. Is Tim required to report this information? ____ Yes ____ No
6. FS case consists of a single person Martin, who is 21 years old and working at the Cenex station. He has been working 30-35 hours per week. January 1, 2004 the hours for Martin have been cut drastically. Some weeks he works 25 hours and some weeks he works 15 hours or less. His paycheck on January 10th showed he worked a total of 20 hours and the paycheck on January 24th showed he worked a total of 38 hours. He worked a total of 58 hours for January. Is this a mandatory reportable change for Martin? ____ Yes ____ No
7. If the answer to number 6 is Yes, why?

MODULE: CLAIMS



Objective

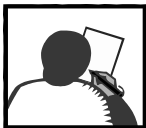
Clarify when it is appropriate to establish a claim and documenting the date and source of discovery of the claim, notification of household and collection of claim amount, and pursuing IPV.



Module Time

APPROXIMATE TIME:

1.5 Hours



Notes

LESSON: Claim Establishment and Documenting Date and Source of Discovery



Purpose

Identify the circumstances under which a Food Stamp claim must be established and the correct procedure for creating the claim.



eManual References

Claims	430-05-80
Types of Claims	430-05-80-10
Establishing Claims	430-05-80-20
Claims that are not Cost Effective	430-05-80-25
Calculating the Amount of Claims	430-05-80-30



Policy

Claims must be established for any household that received more Food Stamp benefits than it was entitled to receive or for benefits that are trafficked. When completing a claim for income that was used incorrectly, not reported or reported incorrectly **actual income must be used.**

Exception:

Claims for errors caused by the client must only be established for mandatory reportable changes.

A claim is established by calculating and authorizing the overpayment and sending the appropriate notice to the household.

Each adult member in the household at the time the overpayment occurred is responsible for the repayment of the claim.

Regulations prohibit benefit reduction of an initial benefit, retroactive initial benefit, and current month's supplemental benefits.

Exception:

The system will recoup from an initial benefit where there has not been a break in participation from the previous month.

Claims are established in one of three categories and coded respectively on OVCA:

- Inadvertent household error (CL)
The worker must establish a claim for any overissuance back to the date the act occurred, not to exceed six years.
- Administrative error (AG)
The worker must establish a claim for any overissuance for a maximum of 12 months from the month the worker becomes aware of the overissuance.
- IPV (FR)
An administrative disqualification hearing official or court has determined that an individual committed an IPV or when an individual signs a deferred adjudication disqualification consent agreement. A claim must be handled as an inadvertent household error until a signed decision or court order is received.

All claims must be established before the last day of the quarter following the quarter in which the overpayment or trafficking incident was discovered.

For example, the date of discovery is December 5, 2003, so the claim must be completed by March 31, 2004.

Both Date and Source of discovery must be recorded on the OVCA screen. The Source of Discovery codes have been added to an error edit that will appear on OVCA if the incorrect code is entered. A table containing the codes has been added to the list code table.

- O V C A Screen Modified
- The date of discovery is defined as the date the worker first suspects a household received more benefits than entitled to or may have misused their benefits.

Date is a 6-digit numeric (MMDDYY)

- The Source of the discovery must also be identified and documented.

The new source codes are 2 digit alpha characters:

AG – Agency – Many times the error is found through in-house casefile reviews or other in-agency reviews.

IV – IEVS – IEVS alert indicates unreported income, etc.

QC – Quality Control – The claim is the result of a QC finding.

OS - Other Source - This could be information found via the newspaper, information reported by someone within the community, etc.

OVCA OVERPAYMENT/CLAIMS AUTHORIZATION 110703 08:47
CASE:
CASE NAME:
PROGRAM TYPE: FS RECOUPMENT NUMBER: 004

ACTION	ERROR MONTH	OVERPAYMENT/ CLAIM AMOUNT	ACTION	ERROR MONTH	OVERPAYMENT/ CLAIM AMOUNT
--------	----------------	------------------------------	--------	----------------	------------------------------

TOTAL OVERPAYMENT CLAIM:	TOTAL OUTSTANDING:
ERROR CAUSE:	NOTICE DATE:
RECOUPMENT PLAN:	PERCENT (IF APPLICABLE):
DATE ERROR DISCOVERED:	AMOUNT (IF APPLICABLE):
SOURCE OF DISCOVERY:	CLOSE/SUSPEND DATE:
EFFECTIVE DATE:	AUTHORIZATION:

PLEASE TURN TO EXERCISE ONE.

Claims that are Not Cost Effective

- Case is closed at the time claim is created and amount of the claim is less than \$125.
- Worker must calculate and authorize overpayment on OVCA.

- The overissuance notice **must not** be sent to the household, the worker must delete it from NOHS.
- Worker must contact the State FS Office to adjust the claim balance.

Exception:

The claim is completed for a case cited and reported as an overissuance by Quality Control regardless of the amount.

Calculating the Amount of Claims

In determining the amount of an inadvertent household error claim, the **worker must apply 10-10-10.**

- The household has 10 days to report.
- The worker has 10 days to act.
- 10 days must be allowed for the 10-day advance notice.

Exception:

Initial Application and Recertifications.

When completing a claim for income that was used incorrectly, not reported or reported late, **actual income must be used.** If there is more than one source of income, actual income only for the source in error is used. The amounts of the other sources of income remain unchanged.

The Earned Income Penalty Violation Code (PV) is entered on the EAIN screen **for only the earned income not reported or not reported in a timely manner.**

Verifications needed to complete the claim must be obtained using Notice F814 – Required Verification, allowing the household 10 days to provide the information.

Exception:

Quarterly wage match through IEVS. If needed verifications cannot be obtained from the individual using the appropriate IEVS verification notice, the quarterly wage must be prorated over the quarter and a claim established.

For an ongoing food stamp case, if the household fails or refuses to respond to the request for verification, the worker must send the F401 and the case will go to close. The worker must document in the casefile that there is an outstanding claim issue.

If the case is closed and the household fails to respond to the request, the worker must document in the casefile that there is an outstanding claim issue.

If the household applies at a later date, they must cooperate by providing the information necessary to calculate the claim. If they continue to fail or refuse to provide the information the application is denied.

PLEASE TURN TO EXERCISE TWO.

When completing a claim for expenses, only the incorrect expenses are changed. All other expenses remain unchanged.

If an underpayment would result instead of a claim and the household failed to report or report timely, benefits are not restored.

PLEASE TURN TO EXERCISE THREE.



Notes

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

EXERCISE: ONE



November 20, 2003 the eligibility supervisor is doing a casefile review of an open Food Stamp case. It is discovered that the worker incorrectly entered the amount of earned income on EAIN in the application month (September 5, 2003). The worker must now correct the case.

1. Does the worker correct the income amount by entering the amount the client had verified and anticipated at the time of the interview (September 5th)? ___ Yes ___ No
2. If the answer to question 1 is No, what income is entered?

3. What is the category or type of claim for this case?

4. What is the date of discovery for this claim?
_____.
5. What is the source of discovery for this claim?
_____.
6. By what date must the claim be completed?

EXERCISE: TWO



Household consists of Mom, Dad and child. Dad works construction and is paid twice a month (Dec. 1st & 15th). Mom works full-time at K-Mart and is paid every two weeks on Friday (Dec. 12th & 26th). January 7, 2004 the household submits the change report form and pay stubs for the month of December 2003. They do not report anticipating any changes for January. February benefits are authorized based on December income. On January 23, 2004 Mom calls the worker and reports she was given a \$1.00 per hour raise on December 29th, but forgot to report it on the change report form she sent in January. The worker cannot react to the information for February as a 10-day advance notice is required because the client did not report the information in writing. The worker must now determine if a claim will be required for February.

1. Is the worker required to apply the 10-10-10 rule in determining if a claim is required? ___ Yes ___ No
2. If the answer to number 1 is yes, what is day number 1 in determining the 10-10-10? _____.
3. Based on the information in the scenario, will a claim be required for benefit month of February? ___ Yes ___ No
4. The worker will rework the benefit month of February based on:
___ Hourly rate of pay X hrs. anticipated for February
___ Actual wages received by Mom and Dad in February
___ Actual wages received by Mom in February.
5. What earned income code is entered on EAIN for this income?
___ RE ___ PV.
6. What is the claim type for this case? _____.
7. Can the worker rework the benefit month of February on February 1, 2004? ___ Yes ___ No.
8. If the answer to number 7 is "No", when would the worker rework the benefit month of February? _____.

EXERCISE: THREE



Household consists of Mom, Billy age 7, and Sara age 5. Mom works full time and is paid \$900 once a month. Her rent is \$300, and she pays for all her utilities so is entitled to the full SUA. She incurs childcare costs of \$300 per month. During the recertification interview on January 13, 2004 Mom indicates that in November 2003 her rent decreased to \$150, she is now receiving housing assistance. She also indicates that in September the child care costs decreased to \$200 per month as she changed day care providers. (Last certification period was July 1, 2003 through January 31, 2004).

1. Is a claim required on this case? ____Yes ____ No. If “Yes”, for what month(s)? _____
2. If no claim is required, why not?
_____.

LESSON: Notification of Household and Collection of Claim Amount



Purpose

Review what required notices are to be mailed to the household to inform them of the claim amount. Identify the procedure for correctly completing the required notices.

Review the various forms of claim repayment available.



eManual References

Collecting Claims Against Households
Types of Claim Payments

430-05-80-35
430-05-80-70



Policy

Administrative Error Claims

- Send notice F819 – FS Overissuance Notice (AG error) to the household. Notice X005 – FS Demand for Payment Notice (AG error) automatically follows.
- Worker receives an alert 30 days from notice date as a reminder the demand for payment date is due.
- Set the payment plan of 10% or \$10 (whichever is greater) if the household does not respond to Demand for Payment Notice. Allotment reduction is automatic.

Inadvertent Household Error Claims

- Send notice F816 – Food Stamp Overissuance Notice (CL error) to the household. Notice X007—FS Demand for Payment Notice (CL error) automatically follows.
- Worker receives an alert 20 days from notice date as a reminder the demand for payment date is due.
- Set the payment plan of 10% or \$10 (whichever is greater) if the household does not respond to Demand for Payment Notice. Allotment reduction is automatic.

IPV Claims

For clients who have intentionally provided false statements regarding their eligibility or continually fail to timely report mandatory reportable changes, the worker must initiate an Intentional Program Violation.

When an individual has been found guilty of IPV, the worker must:

- Send notice F818 – IPV – Food Stamp Overissuance Notice (FR) to the household. This notice is a combination overissuance/demand for payment notice.
- The worker will receive an alert 10 days from the notice date as a reminder the demand for payment date is due.
- Change the error cause from CL to FR and payment plan from 10% to 20% or \$20; whichever is greater, if the household does not respond to the Demand for Payment Notice. Allotment reduction is automatic.

The worker must generate and complete the appropriate Food Stamp Overissuance/Determination notice for each claim. As a result of the regulation change requiring that the household be provided with the original allotment received and the amount of the corrected allotment, the notice is now completed in two parts:

- FS Overissuance Notice
- FS Overissuance Determination

FS Overissuance Notice:

The worker completes the information relating to the claim amount, month(s) in error, and the cause for the error.

FS Overissuance Determination:

The worker must enter the benefit month of the claim, the original allotment received, corrected allotment, amount of the overpayment and the total claim amount. There may be more than one month involved in the calculation of the claim.

The worker must use the space bar on the keyboard when accessing the individual fields on the Overissuance Determination notice. There are no defined fields on the notice. If the worker uses the mouse and clicks at the beginning of a field, the system will scrunch that information together.

EXAMPLE:

NOT1 NOTICE 111903 14:14
CASE: 00002917 DARLENE F
CASE NAME: NOTICE, TEST NOTICE: F829
MAILING : BOX 10 BISMARCK ND 58505-
ADDRESS :
TITLE : FS OVERISSUANCE DETERMINATION

THE OVERISSUANCE OF FOOD STAMP BENEFITS RECEIVED BY YOU OR YOUR
HOUSEHOLD WAS DETERMINED AS FOLLOWS:

BENEFIT MONTH	ALLOTMENT RECEIVED	CORRECTED ALLOTMENT	AMOUNT OF OVERPAYMENT
------------------	-----------------------	------------------------	--------------------------

11/03	\$300	\$100	\$200
#####	#####	#####	#####
#####	#####	#####	#####
#####	#####	#####	#####
#####	#####	#####	#####
#####	#####	#####	#####
#####	#####	#####	#####
#####	#####	#####	#####
#####	#####	#####	#####
#####	#####	#####	#####

#####	TOTAL CLAIM AMOUNT \$200		
-------	--------------------------	--	--

IF YOU HAVE QUESTIONS RELATED TO THE CLAIM, CONTACT YOUR LOCAL COUNTY
SOCIAL SERVICE OFFICE AT THE ABOVE TELEPHONE NUMBER AND/OR ADDRESS.

ANY PART OF THE OVERISSUANCE CLAIM MAY BE REDUCED IF IT IS DETERMINED
BY THE STATE FOOD STAMP OFFICE THAT YOUR HOUSEHOLD IS NOT ABLE TO
REPAY THE CLAIM AFTER ALL COLLECTION METHODS HAVE BEEN ATTEMPTED.
YOUR RIGHTS AND REPORTING RESPONSIBILITIES ARE LISTED ON THE BACK OF
THIS NOTICE. A LIST OF LEGAL SERVICE ORGANIZATIONS IS AVAILABLE UPON
REQUEST.

NOHI NOTICE HISTORY 111903 14:16
CASE: 00002917 DARLENE F
CASE NAME: NOTICE , TEST
PROGRAM: FS BENEFIT/RL MONTH: 1103 DATE MAILED:
FROM: FABER ,DARLENE CAVALIER CSSB
FS OVERISSUANCE DETERMINATION

THE OVERISSUANCE OF FOOD STAMP BENEFITS RECEIVED BY YOU OR YOUR
HOUSEHOLD WAS DETERMINED AS FOLLOWS:

BENEFIT MONTH	ALLOTMENT RECEIVED	CORRECTED ALLOTMENT	AMOUNT OF OVERPAYMENT
------------------	-----------------------	------------------------	--------------------------

11/03	\$300	\$100	\$200
-------	-------	-------	-------

TOTAL CLAIM AMOUNT \$200

IF YOU HAVE QUESTIONS RELATED TO THE CLAIM, CONTACT YOUR LOCAL COUNTY
SOCIAL SERVICE OFFICE AT THE ABOVE TELEPHONE NUMBER AND/OR ADDRESS.

ANY PART OF THE OVERISSUANCE CLAIM MAY BE REDUCED IF IT IS DETERMINED
BY THE STATE FOOD STAMP OFFICE THAT YOUR HOUSEHOLD IS NOT ABLE TO
REPAY THE CLAIM AFTER ALL COLLECTION METHODS HAVE BEEN ATTEMPTED.
YOUR RIGHTS AND REPORTING RESPONSIBILITIES ARE LISTED ON THE BACK OF
THIS NOTICE. A LIST OF LEGAL SERVICE ORGANIZATIONS IS AVAILABLE UPON
REQUEST

PLEASE TURN TO EXERCISE ONE.



Notes

Types of Claim Payments

Claims can be paid using any of the following types of payments or combination of them:

Allotment Reduction

Offsetting Underpayments

Lump Sum or Installment Payments

Treasury Offset Program (TOP)

Client authorized EBT Benefits

Stale EBT Account Debits

Expunged EBT Benefits

Other Collection Actions

Unspecified Joint Collections

Public Service



Notes



Troubleshooting Tips

Removing of Close/Suspend Date on Claims

The system will automatically enter a suspend date on a claim if there have been no recoupments posted to that claim for one year. This close date must be removed before recoupment can begin again.

Included on the list of 'Things to do Before the Interview' for applications and recertifications the worker is instructed to check the DIRE screen to see if there are any claims with outstanding balances. The worker must contact the State Food Stamp Office to have the close/suspend date removed. Before you contact the State Office review the DIRE (Direct Recoupment) screen to **ensure that a balance is remaining on the claim.**

The worker may also check the Recoupment History screen (REHI) to determine if there is a claim with close/suspend date and an outstanding balance remaining. Both DIRE and REHI contain this information.

DIRE
CASE: 00002917
CASE NAME: NOTICE , TEST
PROGRAM TYPE: FS
DIRECT RECOUPMENT

REF #	ORIGINAL AMOUNT	O/S AMOUNT	CAUSE	NOTICE DATE	RE-PAY PLAN	START DATE	CLOSE SUSP. DATE	AMOUNT RECEIVED	RECOUP METHOD	TOP IND
001	200.00	200.00	AG			111903	112004			

DIRE
CASE: 00002917
CASE NAME: NOTICE , TEST
PROGRAM TYPE: FS
DIRECT RECOUPMENT

REF #	ORIGINAL AMOUNT	O/S AMOUNT	CAUSE	NOTICE DATE	RE-PAY PLAN	START DATE	CLOSE SUSP. DATE	AMOUNT RECEIVED	RECOUP METHOD	TOP IND
001	200.00	0.00	AG			111903	032004			

REHI
CASE: 00002917
CASE NAME: NOTICE , TEST
PROGRAM TYPE: FS
RECOUPMENT HISTORY

RECOUP NUMBER	SETUP DATE	CLOSE DATE	ERROR CAUSE	PLAN	REC METH	AMOUNT REMAINING	AMOUNT RECOUPED	RECOUPED DATE	DOCUMENT ID
001	111903	032004	AG			200.00			
					CA	0.00	200.00	032004	



Notes

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

EXERCISE: ONE



November 20, 2003, the eligibility supervisor is doing a casefile review of an open Food Stamp case. It is discovered that the worker incorrectly entered the amount of earned income on EAIN in the application month (September 5, 2003).

December 1, 2003, the worker reworked the benefit month of September with actual income and created an Administrative Error Claim. Original September benefit was \$150, the corrected benefit is \$100, and the claim is \$50.00

1. What is the appropriate overissuance notice to send for this case?
_____.
2. Is the overissuance notice a two-part notice? ___ Yes ___ No
3. Should the worker use the “mouse” to access the required fields on the overissuance determination notice? ___ Yes ___ No
4. The worker must also send the X005 FS Demand for Payment Notice (AG error)? ___ Yes ___ No
5. If the answer to number 4 is “No”, why not?
_____.
6. How many days following the mailing of the notice will the worker receive the alert indicating the demand for payment agreement is due? _____.
7. If the client fails to return the Demand for Payment agreement does the worker enter the recoupment plan and amount of 10% or \$10 whichever is greater? ___ Yes ___ No

MODULE: INTENTIONAL PROGRAM VIOLATION



Objective

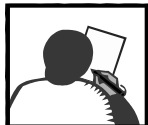
Review the policy and provide eligibility workers with the information necessary to pursue intentional program violations.



Module Time

APPROXIMATE TIME:

1.5 Hours



Notes

LESSON: Intentional Program Violation



Purpose

Explain the criteria used to determine if an individual has committed an intentional program violation.



Intentional Program Violation (IPV)

eManual References

430-05-75-05



Policy

The individual must have:

1. Made a false or misleading statement, misrepresented, concealed or withheld facts such as failure to report mandatory reportable changes.
2. Committed any act that constitutes a violation of the Food Stamp Act, Food Stamp Program regulations, or any state statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking of coupons, authorization cards, or reusable documents used as part of an automated benefit delivery system.

A worker does not have to prove a deliberate intent to defraud. An individual's signature on the application attests to providing full information and to understanding the reporting requirements.

If an individual does not report a _____ change within 10 days, a program violation ____ have occurred.

If a failure to report is discovered by the worker, the worker must _____ initiating an IPV.

An IPV ____ exist regardless of whether there is a claim.

There is no _____ that a claim exist when pursuing IPV.

An individual disqualified from participation in the Food Stamp Program due to an IPV or court conviction of fraud _____ participate in the Food Distribution Program until the period of disqualification _____.

An IPV ____ exist regardless of whether there is a claim.

There is no _____ that a claim exist when pursuing IPV.

An individual disqualified from participation in the Food Stamp Program due to an IPV or court conviction of fraud _____ participate in the Food Distribution Program until the period of disqualification _____.

An IPV ____ exist regardless of whether there is a claim.

There is no _____ that a claim exist when pursuing IPV.

An individual disqualified from participation in the Food Stamp Program due to an IPV or court conviction of fraud _____ participate in the Food Distribution Program until the period of disqualification _____.

[illegible]

EXERCISE: ONE



In the following instances should an IPV be pursued?

1. Worker discovers through an IEVS hit that a household failed to report earned income from a new source. The household already has two inadvertent household error claims for failure to report income. ____ Yes
____ No
2. An elderly client reports at recertification interview that she forgot to report that she bought a car, a 1990 Ford six months ago. ____ Yes
____ No
3. Worker receives an anonymous phone call stating that a client is working at Wal-Mart. Worker contacts the client who states that she started working three months ago and didn't feel she had to report this new job. ____ Yes ____ No
4. Worker receives a report that a client's boyfriend has moved into the household and that he is the father of one of the children. Worker contacts the client who states the boyfriend did move in two months ago and he is the father of one of the children. ____ Yes ____ No
5. During an interview a developmentally disabled individual reports he started working and earns between \$25.00 and \$50.00 per month. This client has a history of being forgetful and is easily confused and states he thinks he has been working at this job for about six months. ____ Yes
____ No
6. Client reports at the recertification interview that she is now working. She cannot remember when she started and that she did not know she had to report this new job. She has been on the program for three months. ____ Yes ____ No
7. A client with a history of late reporting or only reporting changes that will result in an increase in benefits is discovered working at the local convenience store. Client has been on the program for five years and the reporting requirements have been explained in detail at every recertification interview. ____ Yes ____ No

8. A new applicant reports no source of income at the interview and the case is processed as expedited. At recertification it is learned that the applicant has been working for the same employer for the past two years. When questioned, the client states that they knew the income must be reported, but they were way behind on bills, just got out of an abusive relationship and were just trying to get caught up. ____ Yes ____ No



Notes

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

LESSON: County Office Role and Responsibility



Purpose

Explain the role and responsibilities of the county for investigating cases of alleged IPV.



County Role and Responsibility

eManual References

430-05-75-10-05



Policy

The county is responsible for:

- Investigating any case of alleged IPV regardless of current eligibility.
- Acting on appropriate cases either through administrative disqualification hearings or referral to a court of appropriate jurisdiction.

Initiating administrative disqualification hearings when:

- The facts of the case do not warrant civil or criminal prosecution.
- A case previously referred for prosecution was declined.
- The county formally withdraws a previously referred case because no action was taken within a reasonable period of time.

The burden of proving an IPV occurred is a county responsibility.

When there is evidence a violation has been committed, the worker must review the case and all evidence with the supervisor, director, the Regional Representative or a fraud investigator (law enforcement).

Types of evidence included but are not limited to:

- Application forms
- Change report forms
- Statements made during interviews
- Monthly report forms
- Notices of benefits
- Past IPV for failure to report
- Recertification forms
- Narratives
- Documented phone calls
- IEVS verification

If IPV is pursued, the worker must complete the first portion of SFN – 1940 TANF/Food Stamp Notice of Suspected IPV. In completing the form, list the name of the individual suspected of IPV. In most cases, that will be the individual who has reported the change or completed the application/recertification containing the false information. If the designated head of household is not the individual who provided the false information, do not prepare a SFN 1940 against that individual. If more than one individual gave a false report or if individuals were interviewed together, prepare a **separate** SFN 1940 for each individual.

In completing the “description of evidence” section the worker must:

- Be concise in describing the allegation.
- Address the individual.
- Identify what the individual represented, as well as when and how using complete dates.
- Describe the information received and where that information came from.
- Document how the individual was aware of the reporting requirement.

The worker must attempt to hold a meeting with the individual to discuss the suspected IPV within two weeks of establishing the suspected IPV. If the worker believes the violation did occur and the individual does not have a satisfactory explanation the worker must:

- Provide the individual with a copy of the SFN 1940.
- Provide the individual with a SFN 1087 – Legal Service Organizations.
- Provide an explanation that the individual can sign part A or B of the waiver.
- Provide an explanation of the disqualification penalties.

- Provide an explanation that the worker will request an administrative disqualification hearing (in-person or by phone) unless the individual signs either waiver A or B.

If it is determined that no violation occurred, SFN 1940 must be placed in the file with a notation that it was not forwarded for further action and a summary of the explanation given by the household. Any claim continues to be collected as an inadvertent household error.

An individual has the right to waive an administrative disqualification hearing. The worker must possess sufficient evidence to warrant holding a disqualification hearing before allowing an individual to waive the hearing.

- Waiver A allows an individual to admit to the facts and accept the disqualification period.
- Waiver B allows an individual to accept the disqualification without admitting to the facts.
- A signed waiver is a statement that the household has been informed a disqualification penalty will result.

If part A or B of the waiver is signed:

- Give the individual a copy of the SFN 1940.
- Mail the SFN 1940 detailing the violation to the Appeals Supervisor at the State Office.
- If part B is signed, a cover letter detailing why the individual signed Part B rather than Part A must also be sent to the Appeals Supervisor.

If an individual **chooses not** to sign either Part A or Part B of the waiver **or** the individual fails within two weeks to respond to a request for meeting **or** fails to attend a scheduled meeting without a satisfactory explanation within three days after the scheduled meeting:

- A hearing will be requested (in person or by telephone)
- Mail a copy of the SFN 1940 to the individual
- Mail SFN 1087 – Legal Service Organizations to the individual
- Mail the following to the Appeals Supervisor at the State Office:
 - a. SFN 1940
 - b. A letter detailing the violation
 - c. Copies of relevant parts of the Change Report Form, Application, etc.
 - d. Copies of the evidence obtained
 - e. A request for legal counsel if necessary

Collection on a claim continues at the rate of 10% or \$10.00 whichever is greater and a pending disqualification hearing does not affect the benefit determination. Full payment of a claim before the disqualification decision is reached does not stop the disqualification process.

[illegible]



**TANF/FOOD STAMP NOTICE OF SUSPECTED
INTENTIONAL PROGRAM VIOLATION**
ND DEPARTMENT OF HUMAN SERVICES
SFN 1940 (Rev. 01-2002)

Case Number	Date
-------------	------

TO: Name and Address	FROM: County Social Service Board Office
	Telephone Number: If you have any questions regarding this notice, please call the above number.

We believe you intentionally violated Program rules. This form tells you about disqualification, hearings and how to waive a hearing.

We recently reviewed your ☐ Temporary Assistance for Needy Families (TANF) case.

☐ Food Stamp case.

We believe you did the following:

(Attach pages as needed)

Discussion Question



IPV Case Scenario:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Case Number	Date
-------------	------

We have the following information to support these charges:

(Attach pages as needed)

You and your authorized representative may see this information at the county social service board office. To arrange a time, call the county social service board office.

Because we think you committed an intentional Program violation, we propose to disqualify you from the:

Disqualified Number:	First	Second	Third
TANF Program for:	<input type="checkbox"/> 1 Year	<input type="checkbox"/> 2 Years	<input type="checkbox"/> Permanently
Food Stamp Program for:			
Suspected violation occurred prior to September 20, 1996	<input type="checkbox"/> 6 months	<input type="checkbox"/> 1 Year	<input type="checkbox"/> Permanently
Suspected violation occurred on or after September 20, 1996	<input type="checkbox"/> 1 Year	<input type="checkbox"/> 2 Years	<input type="checkbox"/> Permanently

Signed:

Title:

**THE REMAINDER OF THIS FORM CONTAINS IMPORTANT
INFORMATION ABOUT YOUR RIGHTS.**

PLEASE READ THIS ENTIRE FORM

You have the right to remain silent concerning the charge(s). Anything said or signed by you concerning the charge(s) can be used against you in a court of law.

Regardless of whether a hearing is requested or held, the state or federal government may prosecute you for intentional Program violation in a civil or criminal court action and may collect any overpayments or overissuances.

If you agree the information is true or if you accept the disqualification without a hearing, you may sign the "Waiver of Hearing." If you do not sign the Waiver of Hearing form, a hearing will be held.

If you waive a hearing, we will reduce TANF or Food Stamp benefits, or both, for your household. If you do not repay any TANF overpayments or Food Stamp overissuances which may exist, other household members may have to make repayment.

**THE BACK PAGE OF THIS FORM CONTAINS ADDITIONAL
INFORMATION ABOUT YOUR HEARING RIGHTS AND PROCEDURES**

WAIVER OF HEARING

THE WAIVER WILL RESULT IN YOUR DISQUALIFICATION AND A BENEFIT REDUCTION FOR OTHER HOUSEHOLD MEMBERS IN ☐ TANF ☐ FOOD STAMPS FOR THE PERIOD OF DISQUALIFICATION.

If a signed waiver of hearing is received by the Appeals Supervisor, Department of Human Services, State Capitol, Judicial Wing, 600 East Boulevard Avenue, Bismarck, ND 58505-0250 before the date of the hearing, no hearing will be held. The waiver must be signed by you and by the caretaker relative or the head of household if you are not the caretaker relative or the head of household.
Sign A or B below if you wish to waive a hearing.

A. I admit to the facts as presented and understand that a disqualification penalty will be imposed if I sign this waiver.		B. I do not admit that the facts as presented are correct. However, I have chosen to sign this waiver and I understand that a disqualification penalty will result.	
Your Signature	Date	Your Signature	Date
Caretaker Relative/Head of Household		Caretaker Relative/Head of Household	
Signature	Date	Signature	Date

ABOUT HEARINGS

If you have witnesses who have testimony or evidence in their possession which is necessary to your case, you may, before the hearing, ask the Administrative Law Judge to prepare subpoenas ordering those witnesses to appear at the hearing to testify or to bring the needed evidence. You will have to see that your subpoenas are properly served.

It is important that you or your representative be at the hearing, otherwise a decision will be based solely on information provided by the county social service board office.

If you or your representative do not appear at the hearing and there is a good reason why you or your representative did not attend the hearing, you must contact the Administrative Law Judge within 10 days after the hearing date in order to determine if you are entitled to receive a new hearing date.

YOUR HEARING WILL BE CONDUCTED BY TELEPHONE UNLESS YOU REQUEST THAT THE ADMINISTRATIVE LAW JUDGE BE PRESENT. YOU ARE ENTITLED TO HAVE THE ADMINISTRATIVE LAW JUDGE PRESENT IF YOU WISH. IF YOU REQUEST TO HAVE THE ADMINISTRATIVE LAW JUDGE PRESENT, IT WILL NOT AFFECT THE WAY THE HEARING IS CONDUCTED OR THE DECISION.

I request that an Administrative Law Judge be present at my hearing. (Do not sign if you have waived your hearing. Do not sign if you prefer a telephone hearing.)

Name	Signature	Date

YOUR HEARING RIGHTS AND PROCEDURES

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. For telephone hearings, the Administrative Law Judge will place a telephone call to your hearing location. All locations will have a speaker-phone system in which all parties will be able to hear and speak without having to use a telephone receiver. 2. The hearing will be conducted in an impartial manner. All testimony will be submitted under oath and tape recorded. You will not be bound by the rules of procedure and evidence used in the courts. Any papers you submit will be sent to the Administrative Law Judge for examination. 3. You must appear at the time and place set forth on your notice, along with any witnesses or representatives you choose. The county social service board office representatives and witnesses will also be present. Attendance by other persons must be agreed to by both you and the county. An interpreter shall be provided by the county social service board if the Administrative Law Judge determines this is necessary. | <ol style="list-style-type: none"> 4. You may look at the evidence that will be used at the hearing both before and during the hearing. Call the county social service board office if you wish to look at the evidence before the hearing. 5. You may present your own case or have a lawyer, friend, relative, or community worker present your case for you. 6. You may ask to delay your hearing for up to 30 days if you need more time to prepare your case provided such request is made to the Administrative Law Judge at least 10 days in advance of the scheduled hearing. 7. You may bring your own witnesses. 8. You may argue your case freely. 9. You may question any statements made against you or any evidence. 10. You may bring any evidence you may have that would support your case. 11. You may refuse to answer any questions or to make any statements. 12. Free legal services may be available to you at an office listed on the attached page. 13. A copy of the Administrative Rules on hearing procedures is available, upon request, from the Appeals Supervisor. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

LESSON: State Office Role and Responsibility



Purpose

Explain the role and responsibilities of the State Office in the IPV process.



State Office Role and Responsibility

eManual References

430-05-75-15-50



Policy

The State Agency has the responsibility to provide guidance to counties by responding to questions and clarifying policies.

In addition, the Appeals Supervisor has the following responsibilities:

- Review the SFN 1940 and the letter detailing the violation.
- If the waiver is not approved, it will be returned to the county with a letter detailing the reason(s) the waiver was not approved.

The county then has the option to:

- a. Provide the Appeals Supervisor with information regarding the missing element(s).
 - b. Dismiss the waiver.
 - c. Refer the case for prosecution.
- The waiver will be approved if the county shows that a program rule has been violated and the county has sufficient evidence to support the allegation contained in the IPV or to have warranted the scheduling of a hearing.

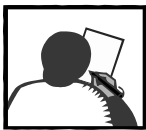
- For signed waivers, a Findings and Order will be prepared for review and signature by the Executive Director. The Order will notify the individual of the disqualification and the effective date.
- If the waiver was not signed, the case is reviewed and referred to the Office of Administrative Hearings.
- A hearing is scheduled either by phone or in person with an Administrative Law Judge.

If the individual or their representative fails to appear for the scheduled hearing without good cause, the hearing will still be conducted as scheduled.

After the hearing, the Administrative Law Judge issues a recommended Findings and Order for review and action by the Executive Director. If the Order signed by the Executive Director finds the individual committed a violation, the Order will be mailed to the individual and the county stating the disqualification and the effective date.

No further administrative appeal procedure exists after an individual waives the right to an administrative disqualification hearing and a disqualification penalty has been imposed. The disqualification penalty cannot be changed by a subsequent fair hearing decision. The individual is entitled to seek relief in a court of appropriate jurisdiction.

The State Office enters the appropriate information into the Disqualified Recipient Subsystem upon notification of the disqualification.



Notes

LESSON: County Action Upon Receipt of a Signed Decision



Purpose

Explain the appropriate actions the county must take when a signed decision is received.



eManual References

County Action Upon Receipt of a Signed Decision

430-05-75-15-55



Policy

The county must take the following actions upon receipt of a signed decision:

- Review the **signed** decision to determine if an IPV has been committed.
- If an IPV has not been committed, the household remains responsible for any overissuance and the claim continues as an inadvertent household error.

If an IPV has been committed the worker must:

1. Disqualify the individual. The disqualification period begins with the first month following the date the individual receives written notification. Adequate notice is required. Once the disqualification penalty has been imposed it continues uninterrupted until completed. Send Notice F818 – IPV Food Stamp Overissuance to the household. Change the participation code of the individual on SSDO from “**IN**” to “**DF**”.
2. The worker will receive an alert 10 days from the date notice F818 is sent.

3. After the 10 days has elapsed, change the percent from 10% to 20% for the claim (SEOO, function 5).
 4. Change the error cause for the claim to “FR” (SEOO, function 5)
 5. Record the IPV disqualification on the IPSA screen (SEOO, function 7).
- For IPV claims, the amount of food stamp benefit reduction is the greater of 20% of the benefit or \$20.00 per month.

For IPV claims, the amount of food stamp benefit reduction is the greater of 20% of the benefit or \$20.00 per month.



Notes

[illegible]

LESSON: Disqualification Penalty Timeframes



Purpose

Explain the appropriate disqualification timeframes.



eManual References

Disqualification Timeframes

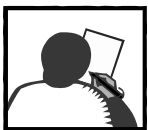
430-05-75-20



Policy

An individual found to have committed an IPV is ineligible to participate as follows:

- A period of 12 months for the first IPV
- A period of 24 months for the second IPV.
- Permanently for the third violation of any IPV.



Notes

MODULE: NICE-TO-KNOW



Objective

To provide a short summary of the policy in the areas where minimal questions arise.



Module Time

APPROXIMATE TIME:

As Time Allows



Notes

LESSON: Zero Benefit VS Excess Income



Purpose

Explain the difference between closing a case because of the zero benefit and because of excess income.



eManual References

Categorical Eligibility	430-05-20-80
TANF Information and Referral Services	430-05-20-85
Monthly Income Eligibility Standards	430-05-50-10
Case Closing Zero Benefit	430-05-65-45



Policy

When any household's net income exceeds the level at which benefits are provided, the worker must close the case using Notice F443 – Zero Benefit Closure.

When any household's countable gross or net income exceeds the income limits for their specific household size, and it is not due to an extra check, the worker must close the case using Notice F407-Excess Income.

